

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A METHOD OF GENERATING A PLURALITY OF CHEMICAL COMPOUNDS IN A SPATIALLY ARRANGED ARRAY**  
the specification of which:

☒ is attached hereto

☒ was filed in the United States on January 20, 1995 as Application Serial No. 08/375,838  
with a Preliminary Amendment filed on January 20, 1995. (if applicable)

☐ was filed as PCT international application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

☒ I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), and Marcia H. Sundeen (Reg. No. 30893), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

PENNIE & EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:  
PENNIE & EDMONDS  
(212) 790-9090

201	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
202	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE 3/20/95	DATE 3/28/95	DATE 03-20-95
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE 3/20/95	DATE 3/20/95

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

R. Zambias et al.

Serial No.: 08/375,838

Filed: January 10, 1995

For: A METHOD OF GENERATING A  
PLURALITY OF CHEMICAL  
COMPOUNDS IN A SPATIALLY  
ARRANGED ARRAY

Group Art Unit: To be  
assigned

Examiner: To be assigned

Attorney Docket No.: 5925-022

DECLARATION IN SUPPORT OF FILING ON  
BEHALF OF OMITTED INVENTOR UNDER 37 C.F.R. §1.47(a)

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Allan A. Fanucci, a representative of the Applicants and appointed Power of Attorney by the Declaration and Power of Attorney filed concurrently with this Declaration in the above-identified application, hereby declare that:

1. This declaration is made as to the facts which are relied upon to establish the diligent efforts made to secure the execution of the Declaration and Power of Attorney by inventor Paul Furth, for the above-identified application both before and after deposit thereof in the United States Patent and Trademark Office.

2. This declaration is being made on facts of which I have first hand knowledge.

3. Paul Furth is one of the named inventors of the above-identified application.

4. The last known address of Paul Furth is 59 Bowdoin Street, Medford, Massachusetts, 02155.

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5. By me or under my direction and control, several *bona fide* attempts were made to present a copy of the application papers for the above-identified invention (a specification including the claims, Declaration and Power of Attorney, and assignment) to Mr. Furth for his signature.

6. On March 28, 1995, a letter addressed to Paul Furth, 310 College Farm Road, Apt. 13, Waltham, Massachusetts 01749, transmitting a Declaration and Power of Attorney, as well as an Assignment was forwarded via Federal Express to Mr. Furth (Attached as Exhibit A). The March 28 letter references earlier occasions where Mr. Furth was provided with copies of the application papers and again requests that Mr. Furth review and execute these documents.

7. In response to the March 28th letter, I telephoned Mr. Furth and was informed that he had moved to a new address. Upon my request, Mr. Furth visited ArQule's offices on or about April 12, 1995 and retrieved copies of the application papers for this case.

8. On April 13, 1995, after Mr. Furth retrieved the application papers, I telephoned him to discuss execution of the documents. I was informed that he would return the executed documents by April 28, 1995. The executed documents were not returned by that date.

9. In a subsequent telephone conference on or about May 15, 1995, I was informed that Mr. Furth changed his mind and would not sign the Declaration and Power of Attorney nor the Assignment. I was not informed as to the reason why Mr. Furth now refused to execute the application papers. I was further informed that any additional inquiries regarding this subject should be made through Mr. Furth's attorney.

10. Based on the foregoing, I have concluded that Mr. Furth's conduct constitutes a refusal to execute the Declaration and Power of Attorney, as well as the Assignment

for the above-identified application, which were provided to him and which resulted from his work in the employ of the assignee, ArQule, Inc.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

5/30/95

*Allan A. Fanucci*

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(Reg. No.)

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